IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.852 OF 2007
IN
L.C.SUIT NO.3803 OF 1990

Hasu Thakor. ..Plaintiff.

V/s.

Wyoming Co-op.Housing S.Ltd.& Anr. ..Defendants.

Mrs. K.H.Thakar for Plaintiff.

Mr.Deepak Lad i/b. RMG Law for Defendant No.1.

Ms. Lata B. i/b. I.R.Joshi & Co. for Defendant Nos.2(b) to 2(d).

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 9, 2007.

P.C. :

1. By consent, Chamber Summons is made absolute in terms of prayer clauses (A), (B), (C), (D) and (E) which read thus:

> "(A) That the delay if any in the matter that has occurred in the circumstances mentioned herein para 2 of Affidavit be ordered to be condoned.
>
> (B) That the abatement of the suit be ordered to be set aside.
>
> (C) The Legal heirs of the defendant No.2 more particularly stated in the schedule "A" to the affidavit in support of the chamber summons be made as party defendants Nos. 2(B) to 2(D) and present secretary Mr.Rajiv Anand as party defendant No.3 in the above suit and be ordered to be brought on record of the above suit and proceedings.

(D) That the Honourable Court be pleased to grant me leave to amend the plaint and proceedings in the above suit as per the schedule "A" of the draft amendment herein to annexed.

(E) That the necessary and other further consequential amendments be ordered to be made in the plaint and proceedings of the suit and be allowed to be amended accordingly."

2. Amendment be carried out within two weeks from today.

3. In so far as relief (f) is concerned, it will be open to the parties to move a formal application in that behalf after amendment in terms of this order is carried out.

4. Counsel for the Plaintiff shall furnish complete set of proceedings to the Advocate on record for newly added Defendants. If papers are not furnished to the Advocate on record for the Defendants in terms of this Order and compliance is reported in the Registry within one week from today, the Suit to stand dismissed for non-prosecution without further reference to the Court in terms of this Order.

(A.M.KHANWILKAR,J)